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**VIA FACSIMILE #212-805-0426****and First Class Mail**

The Honorable Laura Taylor Swain  
United States District Court Judge  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**MEMO ENDORSED**RE: SEC v. Amerindo Investment Advisors Inc., et al. 05 Civ. 5231 (LTS)(DFE)

Dear Judge Swain:

Pursuant to a letter to you from Marc Salzberg of the SEC dated February 22, 2010, and your memo endorsed "So Ordered" on that same date, you adjourned the Pre-trial Case Conference in the above case to April 9, 2010 at 3:15 p.m. with a direction that the parties notify Your Honor promptly if Judge Sullivan ruled on the Restitution Order. We have been advised that Judge Sullivan has not so ruled. Accordingly, we believe that nothing substantial would be accomplished at the Pre-Trial Conference, and accordingly, request that the Pre-Trial Conference presently scheduled for April 9, 2010 be continued for approximately sixty (60) days. We of course will notify the Court if Judge Sullivan rules on the Restitution Order prior to the continued date of the Pre-Trial Conference.

Counsel for the SEC has consented to this request.

Please advise if any further information would be of assistance to the Court.

RRL:tef

cc: Glenn Colton, Esq. — via email  
Mark Salzberg, Esq. — via email  
Eugene Licker, Esq. — via email  
Paul Gizzi, Esq. — via email

Respectfully submitted,



Robert R. Leinwand

The conference is adjourned to June 16, 2010,  
at 4:30 pm.

SO ORDERED.

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NEW YORK, NY

  
LAURA TAYLOR SWAIN

April 7, 2010 UNITED STATES DISTRICT JUDGE